

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

November 13, 2008

DIVISION ONE

B202058 M. Darlene Allen
 v.
 Supara Ratasadudi

Filed order denying petition for rehearing.

1003883-08

The Honorable **STANLEY M. WEISBERG**, Retired Judge of the Superior Court of California, County of Los Angeles, is hereby assigned to assist the Court of Appeal, Second Appellate District, Division One, as a justice thereof, on the following dates:

November 18, 2008 to January 30, 2009

and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Court of Appeal Justice, all petitions for rehearing arising out of such causes and matters. This assignment does not extend to any matter in which the panel would be composed of two justices pro tempore.

Ronald M. George
Chief Justice of California and
Chairperson of the Judicial Council

DIVISION TWO

Court convened at 9:00 a.m.

Present: Boren, P.J., Doi Todd, J., Ashmann-Gerst, J., Chavez, J. and Jim Guzman,
Deputy Clerk.

Each of the following:

B203676 DCFS v. Olivia L.
B201976 People v. Daire
B200369 People v. Cole
B202657 People v. Guerrero
B207386 DCFS v. Hope P.
B208092 DCFS v. Kimberly C.
B198168 People v. Wilson
B203037 People v. Reynolds

Argument waived, cause submitted.

B197174 Myles
 v.
 County of Los Angeles et al.

Merits:

Argued by Barbara Perry for respondents. Oral argument previously
waived by appellant. Cause submitted.

B205321 People
 v.
 Castro

Merits:

Argued by Tracy Rogers for appellant and by Nima Razfar, Deputy
Attorney General for respondent. Cause submitted.

DIVISION TWO (continued)

B202695 Baroi
 v.
 Arcadia Unified School District et al.

Merits:
Argued by Russell Kinnier for appellant and by Kristine Exton for
respondents. Cause submitted.

B204035 Cohen
 v.
 Directv Inc.

Merits:
Argued by Thomas Ferlauto for appellant and by Becca Wahlquist for
respondent. Cause submitted.

B207188 Burke
 v.
 California Coastal Commission

Merits:
Argued by J. David Breemer for appellant and by John Saurenman for
respondent. Cause submitted.

B210265 W.B. et al.
 v.
 Superior Court, Los Angeles County
 (D.C.F.S., r.p.i.)

Merits:
Argued by Steven Shenfeld and Eliot Grossman for petitioners and by
Frank DaVanzo, Deputy County Counsel and Patricia Bell for real parties
in interest. Cause submitted.

Court in recess.

November 13, 2008 (Continued)

DIVISION TWO (continued)

Court reconvened at 1:00 p.m.

Present: Boren, P.J., Doi Todd, J., Ashmann-Gerst, J., Chavez, J. and Jim Guzman,
Deputy Clerk.

B203954 Eastbourne
 v.
 Encino Tarzana Regional Medical Center

Merits:
Argued by Christopher Love for appellant. Oral argument previously
waived by respondent. Cause submitted.

B203164 Malibu Broadbeach L.P.
 v.
 City of Santa Monica et al.

Merits:
Argued by Julian Simonis for appellant and by Ivan Campbell for
respondents. Cause submitted.

B203142 People
 v.
 Taylor

Merits:
Argued by Lawrence Young for appellant and by Steven Mercer, Deputy
Attorney General for respondent. Cause submitted.

B198625 Cardet
 v.
 Burlison Jr. et al.

Merits:
Argued by N. Ramsey Barick for appellant and by Walter Luostari for
appellants. Cause submitted.

Court adjourned.

November 13, 2008 (Continued)

DIVISION THREE

B202917 People (Not for Publication)
v.
Hernandez

The judgment is affirmed.

Aldrich, J.

We concur: Croskey, Acting P.J.
 Kitching, J.

B203364 People (Not for Publication)
v.
Victor Garcia

The judgment is affirmed.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

DIVISION FOUR

B209050 In re Clifford Brodsky (Not for Publication)
On
Habeas Corpus

The petition for writ of habeas corpus is granted, and the Board is ordered to vacate the denial of parole and promptly conduct a new parole consideration hearing in accordance with due process under the standards set forth in *Lawrence*, supra, 44 Cal.4th 1181, and *Shaputis*, supra, 44 Cal.4th 1241.

Manella, J.

We concur: Epstein, P.J.
Suzukawa, J.

November 13, 2008 (Continued)

DIVISION FOUR (continued)

B198726 People (Not for Publication)
v.
Mitchell

The judgment is affirmed.

Willhite, Acting P.J.

We concur: Manella, J.
Suzukawa, J.

B199976 Logisticorp etc., et al. (Not for Publication)
v.
Calypste Biomedical Corporation

The judgment entered April 17, 2007 is affirmed. To the extent the appeal is taken from the judgment entered February 7, 2007, it is dismissed. Respondent is awarded its costs on appeal.

Manella, J.

We concur: Epstein, P.J.
Willhite, J.

B203443	OCM Principal Opportunities Fund et al. v. CIBC World Markets Corp.	(Certified for Publication)
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TCW Shared Opportunity Fund II et al.
v.
CIBC World Markets Corp.

The order denying the motion to vacate the renewed judgment is affirmed. Respondents are awarded their costs on appeal.

Manella, J.

We concur: Epstein, P.J.
Suzukawa, J.

November 13, 2008 (Continued)

DIVISION FOUR (continued)

B204908 Leung (Certified for Publication)
v.
Verdugo Hills Hospital

The petition for writ of supersedeas is denied. Costs to plaintiff.

Willhite, J.

We concur: Epstein, P.J.
Suzukawa, J.

B200248 People
v.
Brazil

Filed order denying petition for rehearing.

DIVISION FIVE

B192909 Lyman Gardens Apartments, LLC, et al
v.
Coudert Brothers LLP, et al

Filed order denying petition for rehearing.

DIVISION SIX

Court convened at 9:00 a.m.

Present: Yegan, Acting P.J., Coffee, J., Perren, J. and G. Bents, Senior Deputy Clerk.

B210505 R.V and H.F. v. Santa Barbara Superior Court (Child Welfare Services)

Presentation waived, cause submitted.

DIVISION SIX (continued)

B203934 Goldberg
 v.
 Beavers

Merits:

Argued by Kate M. Neiswender for appellants and by Troy A. Thielemann for respondent. Cause submitted.

B204552 Brown
 v.
 County of Ventura

Appearances:

Appellant failed to appear and Dirk DeGenna appeared for respondent and waives argument. Cause submitted.

B206508 Karp
 v.
 Mercury Ins. Co.

Merits:

Argued by Fred G. Glantz for appellant and by Jessica Marie Johnson for respondent. Cause submitted.

Court recessed.

Court reconvened at 1:30 p.m.

Present: Yegan, Acting P.J., Coffee, J., Perren, J., P. McGill, Chief Deputy Clerk and G. Bents, Senior Deputy Clerk.

Each of the following:

B197676 People v. M.R.
B203350 People v. Fischetto
B205684 People v. Holmgren

Argument waived, cause submitted.

DIVISION SIX (continued)

B205940 People
 v.
 Gutierrez

Merits:

Argued by Richard B. Lennon for appellant and by David Zarmi, Deputy Attorney General, for respondent via video conference. Cause submitted.

B207324 In re Smith
 On
 Habeas Corpus

Merits:

Argued by Kim Aarons, Deputy Attorney General, for appellant and by Hailyn Jennifer Chen for respondent. Cause submitted.

Court recessed.

Court reconvened at 3:00 p.m.

Present: Yegan, Acting P.J., Coffee, J., Perren, J. and G. Bents, Senior Deputy Clerk.

The court makes welcoming remarks to students and staff participating in the Community Outreach Program (California Lutheran University, Ventura Co. Community College, and the Home School Program, Thousand Oaks Ca.

B201672 People
 v.
 Rubin

Merits:

Argued by Christine C. Shaver for appellant and by Ana R. Duarte, Deputy Attorney General, for respondent. Cause submitted.

Court adjourned.

DIVISION EIGHT

B200659 Finnerty (Certified for Publication)
v.
Board of Registered Nursing

The judgment is affirmed. The Board of Registered Nursing is to recover its costs on appeal.

Cooper, P.J.

We concur: Rubin, J.
Bigelow, J.

B203926 DCFS
v.
J. K.
In the Matter Of J. F., Jr.

Filed order granting motion to dismiss appeal. Appeal (notice of appeal filed November 19, 2007) dismissed.